

REMARKS

In the Office Action, Claims 1-3, 8-9, 18-32 and 38-42 were allowed. Claims 15-17 and 35-37 were objected to as being dependent upon a rejected base claim, but were stated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 10, 12-14, 33 and 34 were rejected under 35 USC 102(b). The action was made final.

Accordingly, by the present amendment, Applicant has amended Claim 10 to include the limitations of Claim 15 and the intervening claims, and has amended Claim 33 to include the limitations of Claim 35 and intervening claims. Amended Claim 10 therefore corresponds to Claim 15 rewritten in independent form, including the limitation of the base and intervening claims, and Claim 33 corresponds to Claim 35 rewritten in independent form including all of the limitations of the base claim and intervening claims. Claims 15 and 35 have consequently been cancelled as have intervening Claims 14 and 12; Claim 13 has also been cancelled as redundant in view of amended Claim 33. Likewise, Claim 35 has been cancelled, together with intervening Claim 34.

Claim 33 has also been amended in element (ii) to replace "said macrolide antibiotic" with "said azithromycin", for which antecedent basis is provided in element (i).

It is therefore believe that amended Claims 10 and 33 are now allowable as stated in the Office Action, together with their dependent Claims 16-17 and 36-37. The remaining claims (Claims 1-3, 8-9, 18-32 and 38-42) were, as noted above, allowed in the Office Action.

The cancellation of the nonallowed claims is made without prejudice. It is believed that all remaining claims are now in condition for allowance. Since it places the application in condition for allowance, the applicant respectfully urges entry of this amendment after final rejection (MPEP 714.12). If there is any matter that can be expedited by consultation with Applicant's attorney, such would be welcome. Applicant's attorney can normally be reached at the telephone number given below.

Signed at Bellingham, County of Whatcom, State of Washington this 18th day of January 2005.

Respectfully submitted,

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